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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,138	04/23/2001	Masaki Hiraga	1341.1091/JDH	1608
21171	7590	09/13/2004	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			YOUNG, JOHN L	
			ART UNIT	PAPER NUMBER
			3622	

DATE MAILED: 09/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/839,138

Applicant(s)

HIRAGA, MASAKI

Examiner

John L Young

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

JOHN LEONARD YOUNG, ESQ.
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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FIRST ACTION REJECTION

(Paper#9/7/2004)

DRAWINGS

1. This application has been filed with drawings that are considered informal; however, said drawings are acceptable for examination and publication purposes. The review process for drawings that are included with applications on filing has been modified in view of the new requirement to publish applications at eighteen months after the filing date of applications, or any priority date claimed under 35 U.S.C. §§119, 120, 121, or 365.

CLAIM OBJECTIONS

2. Claims 11, 16 & 20 are objected to because they contain minor typographical errors at lines 7, 9 & 8 of claims 11, 16 & 20 respectively after the word "to" delete the word -an--.

CLAIM REJECTIONS — 35 U.S.C. §103(a)

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set

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forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-20 are rejected under 35 U.S.C. §103(a) as being obvious over Von Kohorn US 5,057,915 (10/15/1991) (herein referred to as "Von Kohorn").

As per claim 1, Von Kohorn (col. 45, ll. 43-67) discloses a point management system with a "*distribution of score points for various key words. . . .*"

Von Kohorn (col. 26, ll. 63-67; col. 27, ll. 1-20) discloses "*viewers . . . who are in a time zone . . . inform member of an audience in another time zone of the correct responses . . . thus ensuring such members in other time zones of winning an award. . . .*"

The Examiner interprets these disclosures and whole document of Von Kohorn as showing "A method of providing points based on retrieval of keywords, the method comprising the steps of: presenting keywords to a first user through a network, and storing keywords selected by the user into a user-by-keyword management table relating to the user; presenting keywords to an advertiser through the network, and storing keywords selected by the advertiser into an advertiser-by-keyword management table

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relating to the advertiser; searching the user-by-keyword management table and the advertiser-by-keyword management table for keywords when there has been a request for retrieving the keywords from a second user different from the first user through the network, and when the requested keywords have been registered both in the user-by-keyword management table and the advertiser-by-keyword management table, posting a retrieved result of the keywords and advertisement of the corresponding advertiser to the second user through the network; and giving points to the first user when the second user has referred to the advertisement, and storing these points into a user's-point management table relating to the first user."

Von Kohorn lacks an explicit recitation of some of the keyword management table elements and limitations.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art that the disclosure of Von Kohorn (col. 45, ll. 43-67; col. 26, ll. 63-67; and col. 27, ll. 1-20; and whole document) implicitly shows all the elements and limitations of claim 1, and it would have been obvious to modify and interpret the disclosure of Von Kohorn cited above as showing all of the keyword management table elements and limitations of claim 1, because modification and interpretation of the cited disclosure of Von Kohorn would have provided broad means to "*increase the audience. . .*" (see Von Kohorn (col. 2, ll. 40-45)), based on the motivation to modify Von Kohorn so as to "*create added interest and excitement among . . . viewers. . .*" (See Von Kohorn (col. 2, ll. 35-45)).

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As per claims 2-8, Von Kohorn shows the method of claim 1.

Von Kohorn (col. 45, ll. 43-67; col. 26, ll. 63-67; and col. 27, ll. 1-20; and whole document) implicitly shows all elements and limitations of claims 2-8.

Von Kohorn lacks explicit recitation of some elements of claims 2-8, even though Von Kohorn implicitly shows same.

Official Notice is taken that both the concepts and the advantages of the elements and limitations of dependent claims 2-8 were notoriously well known and expected in the art at the time of the invention, because it would have been obvious at the time the invention was made to a person having ordinary skill in the art that the disclosure Von Kohorn (col. 45, ll. 43-67; col. 26, ll. 63-67; and col. 27, ll. 1-20; and whole document) implicitly shows those elements and limitations of claims 2-8 which are not explicitly recited in Von Kohorn; and it would have been obvious to modify and interpret the disclosure of Von Kohorn cited above as showing all of the elements and limitations of claims 2-8, because modification and interpretation of the cited disclosure of Von Kohorn would have provided broad means to “*increase the audience. . . .*” (see Von Kohorn (col. 2, ll. 40-45)), based on the motivation to modify Von Kohorn so as to “*create added interest and excitement among . . . viewers. . . .*” (See Von Kohorn (col. 2, ll. 35-45)).

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Independent claim 9 is rejected for substantially the same reasons as independent claim 1.

Independent claim 10 is rejected for substantially the same reasons as independent claim 1.

Independent claim 11 is rejected for substantially the same reasons as independent claim 1.

Independent claim 12 is rejected for substantially the same reasons as independent claim 1.

Independent claim 13 is rejected for substantially the same reasons as independent claim 1.

Independent claim 14 is rejected for substantially the same reasons as independent claim 1.

Independent claim 15 is rejected for substantially the same reasons as independent claim 1.

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Independent claim 16 is rejected for substantially the same reasons as independent claim 11.

Independent claim 17 is rejected for substantially the same reasons as independent claim 1.

Independent claim 18 is rejected for substantially the same reasons as independent claim 1.

Independent claim 19 is rejected for substantially the same reasons as independent claim 1.

Independent claim 20 is rejected for substantially the same reasons as independent claim 11.

CONCLUSION

4. Any response to this action should be mailed to:

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Any response to this action may be sent via facsimile to either:

Serial Number: 09/839,138

(Hiraga)

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(703)305-7687 (for formal communications EXPEDITED PROCEDURE) or

(703) 305-7687 (for formal communications marked AFTER-FINAL) or

(703) 746-7240 (for informal communications marked PROPOSED or DRAFT).

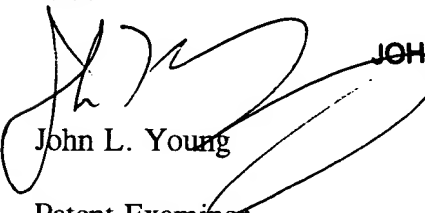
Hand delivered responses may be brought to:

Seventh Floor Receptionist
Crystal Park V
2451 Crystal Drive
Arlington, Virginia.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L. Young who may be reached via telephone at (703) 305-3801. The examiner can normally be reached Monday through Friday between 8:30 A.M. and 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, may be reached at (703) 305-8469.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.


John L. Young
Patent Examiner

JOHN LEONARD YOUNG, ESQ.
PRIMARY EXAMINER

September 7, 2004